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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
LELE, TANMAY S	

ART UNIT	PAPER NUMBER
2684	7

DATE MAILED: 03/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/771,814	MANDYAM, GIRIDHAR D.	
	Examiner	Art Unit	
	Tanmay S Lele	2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 December 2003*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4-16 and 18-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4-16 and 18-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *29 January 2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 2, 4-16, and 18 – 20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1,2,4,5,10-15, and 19 –20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamel et al (Kamel US Patent No 6,285,886) in view of Segura et al (Segura, US Patent No. 6,360,076).

Regarding claims 1 and 16, Kamel teaches of in a radio communication system and method in which data is communicated between a first communication station and a second communication station upon a communication channel pursuant to a first communication service, an improvement of apparatus for selectably permitting communication of at least a first burst of data by the first communication station to the second communication station pursuant to a second communication service (Figure 1 and column 1,lines 35 – 50 and column 3,lines 18 –25 and column 9, lines 38 –46), said apparatus comprising: a detector positioned at the first communication station, said detector for detecting closed-loop power control commands generated during the effectuation of the communication of the data pursuant to the first communication service and detected by said detector communicated to the first communication

station by the second communication station (Figure 1 and column 2, lines 33 –59); a measurer coupled to said detector, said measurer for measuring indications of the power control commands during at least a selected time period (Figures 1 and 2 and column 2, lines 33 –59 and column 10, lines 42 –48); and a decision maker coupled to said measurer to receive measured values measured by said measurer, said decision maker for comparing the measured values with a threshold value (Figures 1 and 2, and column 3, lines 25 –45).

Kamel does not specifically teach of for selectably generating a data communication permission command responsive to comparisons made thereat the data communication permission command, when generated, granting permission to the first communication station to communicate the at least the first burst of the data pursuant to the second communication service (though it should be noted that levels of quality are set and that if such targets are not met, communication would inherently not be permitted).

Ina related art dealing with broadcasting data to subscribers based on quality requirements, Segura teaches of for selectably generating a data communication permission command responsive to comparisons made thereat the data communication permission command, when generated, granting permission to the first communication station to communicate the at least the first burst of the data pursuant to the second communication service (Figures 2 and 3 and column 2, lines 19 –33; starting column 4, line 58 and ending column 5, line 2 and column 5,lines 42 –44).

It would have been obvious to one skilled in the art at the time of invention to have included into Kamel's multi-channel communication system, Segura's quality indications, for the

purposes of commencing transmission and further at appropriate rates as conditions permit (such as ambient and environmental or type of data, quality of service, ect), as taught by Segura.

Regarding claims 2, Kamel in view of Segura teach all the claimed limitations as recited in claim 1. Kamel further teaches of wherein the closed-loop power control commands to which said detector is positioned to detect are of first values to indicate to the first communication station that communication-signal power levels are to be increased and are of second values to indicate to the first communication station that communication-signal power levels are to be decreased (column 10, lines 42 –48 and column 11,lines 11 –20).

Regarding claim 4, Kamel in view of Segura teach all the claimed limitations as recited in claim 1. Kamel further teaches of wherein communications effectuated pursuant to the first communication service include communications effectuated by way of a dedicated air interface link (Figure 1 and column 2,lines 18 –25) and both Kamel and Segura of wherein communication of the at least the first burst of data, permitted responsive to generation of the data communication permission command by said decision maker, is effectuated pursuant to the second communication service (Kamel: column 3,lines 18 –25 and Segura: column 3, lines 43 – 45 and column 8,lines 61 –65).

Regarding claim 5, Kamel in view of Segura teach all the claimed limitations as recited in claim 4. Segura further teaches of wherein the second communication service, pursuant to which the communication of the at least the first burst of data is permitted responsive to generation of the data communication-permission command by said decision maker, comprises a data delivery service (Figures 2 and 3 and column 3, lines 43 –45 and column 8,lines 61 –65).

Regarding claim 10, Kamel in view of Segura teach all the claimed limitations as recited in claim 1. Kamel further teaches of wherein the radio communication system comprises a cellular communication system operable pursuant to a CDMA (code-division, multiple-access) communication scheme, wherein the first communication station comprises a cellular-system base transceiver station and the second communication station comprises a cellular-system mobile station, and wherein the closed-loop power control commands to which said detector is coupled to receive are communicated by the mobile station to the base transceiver station (starting column 10, line 43 and ending column 11, line 20).

Regarding claims 11 and 19, Kamel in view of Segura teach all the claimed limitations as recited in claim 1. Kamel further teaches of wherein said measurer comprises a summer for summing together values of the power control commands during the at least the selected time period (starting column 5,line 53 and ending column 6,line 2 and column 6, line 30 –40 and column 11, lines 33 –55).

Regarding claim 12, Kamel in view of Segura teach all the claimed limitations as recited in claim 11. Kamel further teaches of wherein a plurality of the power control commands are communicated to the first communication station during the selected time period (starting column 5,line 53 and ending column 6,line 2 and column 6, line 30 –40 and column 11, lines 33 –55).

Regarding claim 13, Kamel in view of Segura teach all the claimed limitations as recited in claim 12. Kamel further teaches of wherein the power Control commands comprise binary values indicative, alternately, of power-up and power-down commands and wherein sums

summed by said summer define average power control commands during the selected time period (starting column 5,line 53 and ending column 6,line 2 and column 6, line 30 –40).

Regarding claim 14, Kamel in view of Segura teach all the claimed limitations as recited in claim 13. Segura further teaches of wherein the threshold value with which the summed values formed by the summer of which said measurer is comprised is selected such that summed values that exceed the threshold value prevents generation of the data communication-permission command (column 2, lines 19 –30 and column 5,lines 35 –44).

Regarding claim 15, Kamel in view of Segura teach all the claimed limitations as recited in claim 14. Segura further teaches of wherein the data communication permission command is generated when the summed values are less than the threshold value (column 2, lines 19 –30 and column 5,lines 35 –44).

Regarding claim 18, Kamel in view of Segura teach all the claimed limitations as recited in claim 16. Segura further teaches of wherein communication of the at least the first data burst, selectably permitted responsive to generation of the communication permission command generated during said operation of selectably generating, is communicated pursuant to a data burst delivery service (Figures 2 and 3 and column 3, lines 43 –45 and column 8,lines 61 –65).

Regarding claim 20, Kamel in view of Segura teach all the claimed limitations as recited in claim 16. Segura further teaches of wherein the data communication permission command is generated during said operation of selectably generating when of the indications of the power control commands are beneath the threshold value (column 2, lines 19 –30 and column 5,lines 35 –44).

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kamel et al (Kamel US Patent No 6,285,886) in view of Segura et al (Segura, US Patent No. 6,360,076) as applied to claim 5 above, and further in view of Bos et al. (Bos, US Patent No. 6,456,857).

Regarding claim 6, Kamel in view Segura, teach all the claimed limitations as recited in claim 5. Kamel in view of Segura do not specifically teach of wherein the data burst delivery service comprises a WAP (wireless application protocol)-based service and wherein the data burst, communication of which is selectably permitted responsive to comparisons made by said comparator, comprises a WAP-protocol data.

In a related art dealing with terminal capable or accessing multiple feature sets, Bos teaches of wherein the data burst delivery service comprises a WAP (wireless application protocol)-based service and wherein the data burst, communication of which is selectably permitted responsive to comparisons made by said comparator, comprises a WAP-protocol data (column 2, lines 44 – 50 and starting column 4, line 66 and ending column 5, line 6).

It would have been obvious to one skilled in the art at the time of invention to have included into Kamel in view Segura's power control system, Bos' provisions for other standards, for the purposes of creating interoperability in one terminal amongst all available standards (and thus increase user functionality) as taught by Bos.

5. Claims 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kamel et al (Kamel US Patent No 6,285,886) in view of Segura et al (Segura, US Patent No. 6,360,076) as applied to claims 5 above, and further in view of Chuah et al (Chuah, US Patent No. 6,587,672).

Regarding claim 7, Kamel in view of Segura, teach all the claimed limitations as recited in claim 5. Kamel in view of Segura do not specifically teach of wherein the data delivery

service comprises an IP (internet-protocol)-formatted delivery service and wherein tile at least the first burst of data, communication of which is selectably permitted responsive to comparisons made by said decision maker, comprises an IP-formatted data burst (though it should be noted that both teach of data transmissions).

In a related art dealing with added services for next generation systems, Chuah teaches of of wherein the data delivery service comprises an IP (internet-protocol)-formatted delivery service and wherein tile at least the first burst of data, communication of which is selectably permitted responsive to comparisons made by said decision maker, comprises an IP-formatted data burst (column 2, lines 52 –55).

It would have been obvious to one skilled in the art at the time of invention to have included into Kamel in view of Segura's power control system, Chuah's re-transmission and IP methods, for the purposes of allowing one to access extended services which require a more stringent signal quality requirements in a universally known format, as taught by Chuah.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kamel et al (Kamel US Patent No 6,285,886) in view of Segura et al (Segura, US Patent No. 6,360,076) and Chuah et al (Chuah, US Patent No. 6,587,672) as applied to claim 7 above, and further in view of Bos et al. (Bos, US Patent No. 6,456,857).

Regarding claim 8, Kamel in view of Segura and Chuah, teach all the claimed limitations as recited in claim 5. Kamel in view of Segura and Chuah do not specifically teach of wherein the data burst delivery service comprises a WAP (wireless application protocol)-based service and wherein the data burst, communication of which is selectably permitted responsive to

comparisons made by said comparator, comprises a WAP-protocol data (though Chuah makes reference to other protocols possibly being used in column 2, lines 52 –55).

In a related art dealing with terminal capable or accessing multiple feature sets, Bos teaches of wherein the data burst delivery service comprises a WAP (wireless application protocol)-based service and wherein the data burst, communication of which is selectably permitted responsive to comparisons made by said comparator, comprises a WAP-protocol data (column 2, lines 44 – 50 and starting column 4, line 66 and ending column 5, line 6).

It would have been obvious to one skilled in the art at the time of invention to have included into Kamel in view of Segura and Chuah's power control system, Bos' provisions for other standards, for the purposes of creating interoperability in one terminal amongst all available standards (and thus increase user functionality) as taught by Bos.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kamel et al (Kamel US Patent No 6,285,886) in view of Segura et al (Segura, US Patent No. 6,360,076) and Chuah et al (Chuah, US Patent No. 6,587,672) as applied to claim 7 above, and further in view of Ahmadvand (Ahmadvand, US Patent No. 6,477,670).

Regarding claim 9, Kamel in view of Segura and Chuah, teach all the claimed limitations as recited in claim 7. Kamel in view of Segura and Chuah do not specifically of wherein the IP-formatted delivery service comprises a GUTS (Generalized UDP Transport Service)-formatted service and wherein the data burst, communication of which is selectably permitted responsive to comparisons made by said comparator, comprises a GUTS-formatted data burst (though Chuah teaches of the use of IP in UMTS networks, column 2, lines 52 –55)

In a related art dealing with quality of service in UMTS networks, Ahmadvand teaches of of wherein the IP-formatted delivery service comprises a GUTS (Generalized UDP Transport Service)-formatted service and wherein the data burst, communication of which is selectably permitted responsive to comparisons made by said comparator, comprises a GUTS-formatted data burst (column 3,lines 56 – 65).

It would have been obvious to one skilled in the art at the time of invention to have included into Kamel in view of Segura and Chuah's power control system, Ahmadvand's protocol, for the purposes of delivering varying levels of quality of service, based on the requested data, as taught by Ahmadvand.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tanmay S Lele whose telephone number is (703) 305-3462. The examiner can normally be reached on 9 - 6:30 PM Monday – Thursdays and on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay A. Maung can be reached on (703) 308-7745. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

Tanmay S Lele
Examiner
Art Unit 2684

NAY MAUNG
SUPERVISORY PATENT EXAMINER

tsl
February 25, 2004